Managing Design: Responsibilities, Conduct and Rights

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Abstract. The Design practice has influence not only on society, but also on the environment, economy and culture as well, being it formulates innovative solutions for specific problems. Even so, this science is not fully recognized by its true value and potential – neither in the public sector, nor in the private sector. Furthermore, Design Management is also a component that has an essential role in the proper performance of the projects and teams. Nevertheless, Portugal has no Order for the protection and organization of the professionals; the Responsibility, Conduct and Law as a rule are not present in the course teaching plans; and, sometimes, the legislation does not acknowledge the designers' needs. Design was considered a discipline and began to have courses around 1975, making approximately 45 years of existence in Portugal (Gomes 2003). The area is an interdisciplinary practice and is present in several projects and companies. It is a comprehensive discipline, from Graphics with the perception of a brand, to Product Design with the conception of consumer pieces. The various branches of study within the Design hat have a great influence not only on society, but also on the planet, as it is present in everything (Papanek 1984). Furthermore, the number of trained designers and companies is growing in the country, according to data from the General Directorate of Education and Science Statistics (DGEEC). Even so, to date, there are no regulations or guidelines for the conduct of the area and, consequently, its professionals do not have protection or guidelines when exercising.

As for the general objectives of the study, this article seeks to deepen and contribute to the investigation in the area of the responsibility of Design and the analysis of the laws, rights and conduct of the designer in the activity of the profession. In terms of specific objectives, in addition to a literature review, three data collecting moments were executed in order to understand the perception and experience of the students, professors and professionals about the topic in question. In regard to the Methodology, first an Online Questionnaire was conducted (129 participants) to collect general quantitative data, then a qualitative research with Individual Interviews (12 people interviewed) and lastly, another quantitative research with a Survey (19 answers) so that participants could validate all the data collected and potential solutions generated throughout the study. With this data, it will be possible to interpret existing problems, find out what changes need to be implemented and how to move forward with raising awareness of the issues. Therefore, it is intended to investigate the role of the Design manager during the responsible creative process, contribute to the recognition and importance of the responsibilities and rights of Design in Portugal and, finally, understand

that the area is an important strategic tool and should plan means of support and organization for its professionals.

While Design is a problem-solving activity, Design Management not only participates in the activity but also coordinates the Design process (Borja de Mozota 2003). As can be seen, Design has a great impact both on the economy, the public sector, and on business; Added to this, Best (2006) states that Design Management is another extremely important element to incorporate. Within an organization, Design Management is present in brand communication, products and services. Outside the organization, Design Management has the ability to respond to incremental pressure on organizations from the government and attitudes towards local management and global resources. With this, the essential question arises, if Design manages to have this influence on the lives of citizens and impact on society, it will be necessary to create changes in the dissemination and awareness of the area, updating the legislation, new plans or teaching methodologies and it will be necessary to investigate the organization of professionals? The world is constantly changing, social, historical and technological. Design has to keep up with these changes, it cannot ignore the sociocultural environment that surrounds it. (Monteiro 2004, p.27). Jet Gispen (2017), a researcher who developed toolkits on Ethics in Design for designers, says that Design has a great influence on the way people behave and live their lives. There is rarely a reflection on what a good solution entails, hence Gispen (2017) believes it is necessary for designers to understand the impact of their work and how they will incorporate it.

In essence, the investigation has the objective to comprehend how designers should act in terms of social, professional, ethical and environmental responsibility, which legislations do they have at their disposal to protect themselves, which conducts exist to regulate the field and what changes are necessary to make in these settings. It is expected that with this study it's possible to aid the advancement of the conceptualization of the necessary structures to support the Design' professionals, so that their contribution has a greater reach and has more recognition by the society.

Keywords: Responsability · Law · Professional Conduct · Design · Design Management

1   Introduction

This article's research focus is on rights such as European and Portuguese legislation, and designers' social, professional, ethical and environmental responsibilities. These elements gave rise to the research question: How should the Portuguese designer act and what are their rights and protections as a professional during the creative process?

In perspective, the same design that participates in global overconsumption, also has the ability to help the world (Berman 2013, p.2). Design is a process and a methodology that integrates multidisciplinary teams, aggregating creativity and technology as a way to develop products and services with specific users in mind. It's a broad discipline, from Graphic Design, to Product Design, to Interior Design, to Design Management. But, in Portugal, Design was only considered a discipline and began to have courses around 1975, making approximately 45 years of existence (Gomes 2003).

The various branches of study within the Design hat have a great influence not only on society, but also on the planet, as it is present in everything (Papanek 1984). Considered both a noun, as a result, and as a verb, this being an activity. The area arises from the need to conceive creative solutions to concrete problems, with a certain goal (Gomes 2003). In this way, it is a problem-solving activity, but also a problem-finding activity to discover the user's need.

As for the general objectives of the study, this article seeks to deepen and contribute to the investigation in the area of Design responsibility and the analysis of the laws, rights and conduct of the designer in the activity of the profession. In terms of specific objectives, in addition to in-depth investigation of the state oft the art, national surveys, individual interviews with teachers, researchers and design professionals have been planned, in order to quantify and structure the perception of the theme in the eyes of the community and a survey that can validate the data collected. With this data, it will be possible to interpret the existing problems, find out what changes need to be implemented and how to move forward with raising awareness of the issues. Therefore, it is intended to investigate the role of the Design manager during the responsible creative process, contribute to the recognition and importance of the responsibilities and rights of Design in Portugal and, finally, understand that the area is an important strategic tool and should plan means of support and organization for its professionals.

1.1 The Importance of Design

The word "design" comes from the Latin designare, which means to define or draw. The analysis of the etymology of the word shows that it is composed of intention and design (Borja de Mozota 2003). Considered both a noun, as a result, and as a verb, this being an activity. The area arises from the need to conceive creative solutions to concrete problems, with a specific purpose (Gomes 2003). In a nutshell, Design is a process and a methodology that integrates into multidisciplinary teams, adding creativity and technology as a way to develop products and services with certain users in mind. Designers are professionals in the field, who combine "art and technique, in a critical, innovative and creative approach." (Ferreira 2009, p.33), where they follow a design method that can address various aspects (such as cost and efficiency) that ultimately respond to the user's needs.

Therefore, since the beginning with the adoption of the English word, Design is often mistakenly recognized as "drawing" in Portugal, being important to educate in this sense. Design is still reduced to just aesthetic form and style, forgetting part of the ability to integrate functionality, social and emotional aspects, and even the value it adds during the development process of a product or service. Design is more often considered an object than an action, but it is clear that Design refers to both processes and results (Findelli (2001) as cited in Gancho 2015). The author adds that the process - for example a creative thinking process - can involve physical models or be abstract (visualization) and a result that can be tangible (resulting in a product) or intangible with a concept.

Design creates most of the elements that we see, that we use, and the experiences that products and services provide us. David Berman (2013) believes that Design has much more power than it appears, as it is a powerful mechanism combined with creativity that has the ability to improve the world. In his book, the author alerts to the important role of

Design in the persuasion of the public, meeting their needs. He considers that there are manipulations that designers are able to identify and use other methodologies to have a positive impact on society (Berman 2013).

Dormer (1995) states that Design has a function that relates to the outside world – whether in social or environmental aspects – where its function will have an impact on people and the environment, from where they will acquire and later consume (Dormer, 1995 as cited in Regadas 2012). For this reason, Design is a central factor in the innovative humanization of technologies and a crucial cultural and economic factor (Borja de Mozota 2003).

Design methodologies can be used as a powerful strategic tool to differentiate from other competitors, yet it is "neglected by companies" (Kotler and Alexander Rath 1984). Ferreira (2009) states that Design should be valued and few companies understand the advantages that come from integrating a designer in the coordination and management of multidisciplinary teams. For example, in the article McKinsey Quarterly (2020) it is mentioned that there are companies that are great at using Design, manage to grow profits and bring twice as many stakeholders compared to the others. To understand why companies don't make the same choices, they interviewed 200 senior designers, interviewed 100 top executives, and analyzed 1,700 McKinsey Design Index respondents. They concluded that 90% of companies are not reaching their full potential. There is a lack of clarity in the role of a lead designer and a lack of confidence in the potential they bring to the company. They conclude by saying that change starts at the top, including senior designer leadership, and that CEOs often don't understand that designers can have a big impact on companies. Therefore, companies are not using the skills of designer leaders that bring great value to companies.

In Europe, Design policies "are fragmented" and each country promotes the discipline in different ways (Ferreira 2009, p.26). Still, the European Union (EU) created some programs that help some audiovisual and media sectors, for example the program Worth. Lynda Relph-Knight writes in the Design For Europe1, an EU program, states that Design not only benefits companies, but can also benefit the public sector – as the area can deal with cost reduction, use of resources more effectively and aim for certain results. Design's role is definitely associated with innovation and creativity, responsible for the economic sustainability of the most developed nations, as attested by the strategic development programs promoted by the Commission of the European Union in the last decade.

2   Design Management

With Design becoming more comprehensive, there is a greater need for designers to create specific skills for each role needed in a team project. Consequently, by expanding the Design teams and the functions of the area within an organization, there is an opportunity to create a discipline that is responsible for managing these same resources for the success of the group. Branco (2001) defines the discipline Design Management, or Design Management, as an informed process of allocation of Design resources to achieve the goals of an organization, where management will be enhanced in order to ensure the optimized solution (Branco, 2001 as cited in Sousa 2012). Therefore, the discipline is concerned with the positioning of design within the organization, seeking

to identify disciplines that are relevant in the course of projects so that Design can be used effectively (Borja de Mozota 2003).

Choosing the right designer for each role is crucial for the project's success, considering that the Design manager develops the ability to organize a team and choose the right designer for each task (Farr 1966 as cited in Borja de Mozota 2003). Gorb (2001) argues that design management in the business environment is not limited to managing a design process or through the education of managers, but rather to the "correct implementation, by line managers, of the design resources available to the organization in the execution of its corporate objectives" (Gorb 1990, p.2 as cited in Sousa 2012, p.72). The author states that there has to be a balance between manager and designer in the effective use of design.

We can see that Design Management "consists in the introduction of Design as a formal activity program within the organization, demonstrating the importance of design in the company's long-term goals and in the coordination and incorporation of Design resources at all levels of activity in the company in order to respond to these objectives." (Montaña et al. 2007 as cited in Gancho 2015, p.76). In the dissertation by Sousa (2012), he summarizes that Farr (1966), Gorb (2001), Cooper (2011), Mozota (2003), Best (2010) and Branco (2001) conclude that when implementing Design in any context, this it must always be followed up with the management area - there must be a clear association between the two disciplines so that a good dialogue can be developed. Afterwards, they show that it is important to legitimize the area of design management as a central activity in organizations so that it is incorporated at various organizational levels (operational, tactical and strategic). Finally, recognize design management as a core component that integrates various disciplines to enable mutual learning.

3 Design in Portugal

In sum, although it has a great influence, the Design practice in Portugal is not yet as developed as other countries, or even other areas like Architecture (with the Portuguese Architecture Order since 1998)2 and Law (with the Portuguese Lawyer Order since 1926)3. Portugal has no Order for Designer's protection and organization of the professionals; the Responsibility, Conduct and Law as a rule are not present in the course teaching plans; and, sometimes, the legislation does not acknowledge the designers' needs. Even so, to date, there are no regulations or guidelines for the conduct of the area and, consequently, its professionals do not have protection or guidelines when exercising.

Furthermore, the number of trained designers and companies is growing in the country, according to data from the General Directorate of Education and Science Statistics (DGEEC). In Portugal there are ninety four courses taken since 1995 until 2018 (Table 1) and six thousand citizens and companies registered and thirty seven thousand hundred (Table 2). Even so, to date, there are no regulations or guidelines for the conduct of the area and, consequently, its professionals do not have protection or guidelines when exercising.

Notably, Design in Portugal is mostly promoted as an artistic activity and not as a tool to support management, communication and engineering. There is still no economic development plan where Design has an essential role (Ferreira 2009). Because of this,

Table 1. Line Graph of the Number of Design Courses Completed in Portugal (left)

Table 2. Companies (Total of Individual Companies and Companies) Registered with Design Activity in Portugal (right)
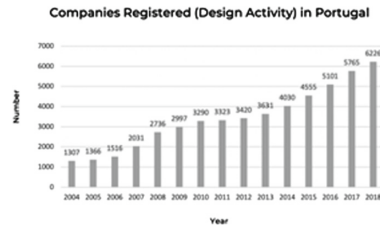
the area of Design and its associations lack financial support by the government. Some of the reasons to explain this phenomenon is that there are few Portuguese designers that are recognized and followed nationally (Gomes 2003).

In terms of education Gomes (2003) refers that its necessary to "develop work at the level of organic explanation and appreciation of the idea of Design in private companies, public companies, municipalities, state departments, in the creation of jobs (…) and in the creation of adequate legislation which, at an early stage, adequately protect the various intervening entities." (Gomes 2003, p.27). There are three acting levels to fill in this gap, the training of designers, then the provision of information and awareness in society, and finally, the pressure on power. There is a failure on the part of the Government to promote and create jobs for young designers in Portugal – which would consequently help the economy (Gomes 2003).

It is up to the Government to sensitize the population and recognize Design as an area with professionals who can move the country forward. There continues to be a lack of confidence in the designers' work and methods, fueled by the lack of knowledge of the discipline in the business context (Branco et al. 2003 as cited in Sousa 2012).

In conclusion, this delay in Portugal has historical and social implications, which end up influencing culture and the business environment. According to the Portuguese Association of Designers (APD), the national economy and Portuguese society are experiencing a phase of development where it is imperative to eliminate any obstacles that are obstructing their integration into public or private organizations in Portugal. As can be seen from the data analyzed before, it reveals that there are more than six thousand registered citizens with activity in the area of Design and more than thirty seven thousand students attending courses in the area between 1995 and 2018. Still, few changes have been verified over more than 20 years.

4 Responsibilities in Design

The world is in constant change, socially, historically and technologically. Design has to keep up with these changes, it can not ignore the sociocultural environment that surrounds them (Monteiro 2004). It has a great influence in the way people behave and live their lives, it's necessary that designers comprehend the impact of their work (Gispen 2017).

The term "Designer's Responsibility" pertains to the various aspects that the professional must take into account before, during and in the implementation of the Design project, with the objective of creating products and services that have positive impact and results. The aspects that will be analyzed in this paper will be Social and Professional Responsibility, Professional Ethical Responsibility and Environmental Responsibility.

4.1 Social and Professional Responsibilities

Furthermore, Berman (2013) believes that Design has much more power than it appears, as it is a powerful mechanism combined with creativity that has the ability to improve the world (Berman 2013). Likewise, it has the ability to informar and publicize (McCoy 2003); consequently it's capable of disseminating social, environmental and political advertising (Heller and Vienne 2003). Hence, with this influence there's a need to have some guidelines or regulations the professionals should follow. An example of an oath of responsibility in Design is that of Berman (2013), with The Do Good Pledge, four principles that designers and other professionals must apply in their work. First the ethics, designers must have their own oaths, join associations and follow the rules of conduct, taking into account the social responsibility that the profession needs. Then the principles of the designer as a professional, where each designer must be guided by what they know is correct, finding a solution that answers everyone. The third, effort, where it asks professionals to use 10% of their time to help "repair the world", developing more sustainable solutions. Finally, Berman (2013) encourages designers to act now.

The designer's moral obligations are for everyone, for himself, for the client, for the user and in particular for society (Heller and Vienne 2003). It is important that professionals have notions about social, economic, political and cultural issues as a way to convey messages that are valuable to society. "The designer must be aware that communication Design is a powerful channel (…), the way in which they use this power is their responsibility, before being the responsibility of the client who hired them." (Monteiro 2004, p.30) any project developed by the designers that contains social or political messages, makes it imperative that the professional is aware of the message and to the impact it can have. For example, propaganda, it's a key component in psychological warfare in various historical moments, where they manipulate the opponent to behave differently, to do what they want, seeing only their perspective and nothing else. There is a fine line between persuasion and information, as persuasion is masked as information in both advertising and corporate branding (Heller and Vienne 2003).

Stuart Ewen (2003), analyzes the role of Design in the glorification of corporate power where he states that designers see their work as a "sales device" having no connection to the initial idea that Design has social implications (Heller and Vienne 2003). The idea that Design is a "transmitter of values" has disappeared in favor of what it sells to corporations. It became a corporate profession with a lack of systemic thinking about the impact this area has socially. It is used to visually represent business interests. The author feels that Design has become a toxic form of communication, it is now an instrument in the glorification of corporate power. With that, Ewen (2003) asks for a reflection on our functions and their implications for the future (Heller and Vienne 2003).

Another striking element in Design was the First Things First Manifesto, published by Ken Garland in 1963 and revised in 2000, declaring the importance of Design to

respond to social needs. A manifesto that defends the social concern in Graphic Design, against consumerism and the advertising industry (Monteiro 2004). Rick Poynor (2003), in Emigre 51 magazine, says that the author clearly was not trying to change the "underlying political and economic system" (Heller and Vienne 2003, p.125). The author explains that this manifesto was released at a time when Design was being accepted and getting stronger at a global level. In the nineties, Design began to be used in commercial and marketing areas, everything was "over-advertised" and "over-designed", which led consumers to "over-buying" (Heller and Vienne 2003, p. 95). In this way, graphic designers were automatically linked to advertising, creating a paradigm regarding political and ethical issues.

Another theme related to professional responsibility it's plagiarism. Gunnar Swanson (2003) compares plagiarism to a form of theft, for the author, this matter is an ethical issue, as it is part of the universe of professional conduct. When questioning why plagiarism is wrong, we need to know why it is a violation of professional ethics. The notion of plagiarism being theft, centers on the fact that there is an association between our work as a "property" and that we have possession of a certain product. When a designer appropriates a certain form or idea from another designer, it is considered plagiarism (Heller and Vienne 2003). Swanson (2003) believes that Design is not just a final product, but a process, which makes the whole notion of plagiarism in Design much more complex. In addition, Design is usually a collective process, many elements can participate either in improvements or contributions. The author refers to a quote by James Souttar, where the designer compares Design to cooking, as plagiarism would be someone buying a plate of food at a restaurant, taking it home and serving guests like the chef who cooked it (Heller and Vienne 2003).

4.2 Professional Ethical Responsibilities

One of the areas of philosophy, Ethics reflects on the fundamentals and principles that govern the constitution of norms, proposing goals and ideals to be carried out with a view to human improvement. On the professional side, there is Deontology (from the greek deontos/duty + logos) which designates the moral theory of duty; it also refers to the set of duties of a professional group. Consequently, Codes of Ethics are norms that govern a certain group of professionals. Professional Deontology consists of a set of principles and rules of conduct that establish "correction of intentions and actions, in relation to rights and duties, between a profession and society." (Ferreira 2009, p.29). So it's every designer's guide to how they deal with customers, the structure of projects, how they develop the Design process and the final value of a product. Codes of Ethics are a set of principles of conduct within an organization that help guide decisions and behavior.

Mário Moura (2009) states that currently "Designers tend to see their work as alien to morality – ethically neutral. They just need to do the best job possible, regardless (…) of the consequences their work may have." (as cited in Ferreira 2009, p.89). Ferreira (2009) states that the absence of ethical responsibility during professional activity undermines the recognition of Design. In the Master's thesis of Dr. Denise Ferreira (2009), the surveys carried out show that in their sample of 212 respondents that 83% do not exercise their activity according to a Code of Ethics. Therefore, it will be important to apply

Deontological Codes as a way to structure the area and guide professionals throughout the exercise of the profession.

In history there is no record of a profession that meets the needs of users that does not have a code of conduct - also states that the education of the topic of Professional Ethics cannot be just about teaching knowledge and deontological norms, but rather the discussion and analysis of practice (Brandão 2005). In the documentary Ethics for Design4, James William, says there is something designers can do: become aware that there is a problem. Designers have to be aware of the impact they have and must find ways to quantify it, only in this way can we talk about the problem and hold people responsible for doing it wrong. William concludes that there is a vague sense that something is wrong and it is the responsibility of designers and companies not only to measure the value they are having, but also the value they are giving to people - including the damage that Design can cause. He says that many see ethics as a "brake to innovation", but the researcher sees it as "a steering wheel, or even an accelerator.". The French designer Antoine Fenoglio, on the other hand, asks for a dialogue, because in the end, the designer's role is exactly that, and says that it is what works.

4.3 Environmental Responsibilities

Sustainability is an approach in Design that focuses on those environmental, social and financial factors that have implications for projects (Shedroff 2009). The author mentions that Design has been practiced with a focus on appearance, but Design was never simply the aspect, being also function, performance, usability and sustainability. Sustainability focuses on efficient and effective solutions for the good of society and the environment. He also says that companies that are more successful pay more attention to their impact, manage to increase profit margins and distinguish themselves from other companies. Demystifies the myth that sustainable solutions cost more, explaining that at first it may cost more, but if the focus is on energy savings and material efficiency, in the end it will cost the company less money and solve systemic problems.

Therefore, Shedroff (2009) mentions that designers are part of the problem and part of the solution, as many designs have already created major complications - even though they had the best intentions -, ending up with results that made a situation worse. Many are complacent with engineering and marketing colleagues who intend to develop products of low quality, poor usability and short longevity. Even so, he says that any sustainable solution continues to have a negative impact, as we will be producing.

Following environmental changes and the way companies choose to act, Papanek (1984) shows that it is extremely important that designers are aware of what they create and what is the intention of their choices. He says that designers have an ethical responsibility within society during the development of a product, considering whether we should respond to the customer/company, or whether we should do what is best for society and the environment. Companies and designers examining the product creation cycle will be able to find new opportunities for innovation, reducing the impact on the environment (Brown 2009).

4.4 Education of Responsibilities

All the elements mentioned about Responsibility in the profession point to the education of young designers as the essential point in the formation of conscientious designers. Papanek (1995) reinforces the importance of learning the profession's ethical dilemmas during professional education. Professors should be the first to mention that the Design area is a responsibility and a privilege: "Design students need to understand that they are part of the system in which design objects are produced, used and disposed; that is, the negative consequences of such objects also affect themselves." (Haug 2017, p.7). McCoy (2003) is an advocate for producing a generation of activist-conscious and concerned young designers to inspire other citizens to be active, informed, and concerned participants. "Too often our graduates and their work emerge from a charming mannequin, with no voices, just ventriloquists for the client's message. Let us give designers a voice so that they can fully participate and contribute to the world around them." (Heller and Vienne 2003, p.8).

In conclusion, in the words of Tim Brown (2009), the designer as an individual, even though he may have a certain intention, cannot predict the use of his work, cannot ignore the system, he should also take into account other negative ways in which it can be applied. (Brown 2009). For Joana Monteiro (2004) says that it is the professional's responsibility to do a good job and "spread the essential values in defense of the society they are part of, assuming that the designer is an individual with social conscience, who defends human rights, with ecological concerns and in favor of freedom." (Monteiro 2004, p.35). Therefore, all designers are responsible for the work they publish. Even so, Mike Monteiro (Monteiro 2017) states that when a designer is hired by a company, he is also being hired to assess the impact of the work developed - including eliminating any negative impact identified during the creative process. He adds that the way a designer works influences the rest of the design community - including free work, plagiarism, etc. The designer must work with the community in mind.

5 Rights in Design

In this subchapter, it'll highlight the main findings of documents related to the legislation that protect designers in their career path. In the portuguese legislation, the Constitution of the Portuguese Republic and the Labor Code for all professionals. Then, for the Design Legislation, the regulations for the Intellectual Property and Copyright in the European Union.

In the country's legislation, it was found basic protections against discrimation on the basis of sex, race, religion and politcal ideology. Also, fair compensation, or minimum wage, on the work produced and the time for rest (weekly rest and the right to vacation). Lastly, limitation of the duration of the labor.

Then in terms of Design Legislation, it should be noted that Intellectual Property regulations mention only formal characteristics and appearance of objects. In terms of Copyright laws, Ferreira (2009) mentions that the INPI and the IGAC advise designers to carry out the two registrations (Copyright and Industrial Property) in their projects, but this ends up harming professionals due to the cost that each registration entails. The designer will often have to register several rights as their creation may require more

than one type of registration, harming professionals due to the cost that each registration entails (Ferreira 2015).

For Joana Monteiro, the designer has the right and duty to refuse to work on certain projects and organizations, if we do not agree with the ideologies. It claims that these matters are "a matter of personal integrity and conscience, but also of being responsible to others." (Monteiro 2004, p.31). Still, as Papanek mentioned, many designers find themselves under pressure for financial reasons to accept certain projects that may conflict with their ideologies. There is no official code of conduct, each designer will have to follow their common sense when faced with dubious situations.

5.1 Design Activity in Portugal

As mentioned above, the area of Design in Portugal is still poorly understood, and therefore the profession, legislation and role of the designer follow the same path. The designer's intervention within organizations ends up being smothered by others such as architects, image consultants or artists – ending up being misinterpreted by many (Gomes 2003). Only in 2007 the Designer's profession was recognized in the IRS Code (Code 74100 Division M - Consulting, Scientific, Technical and Similar Activities) and in 2010 had the inclusion in the Portuguese Classification of Professions.

In the interview with Prof. Dr. Nuno Sá Leal, he states that Design is not clearly mentioned in any document of Portuguese legislation. The same happened in the interview with Dr. Denise Ferreira: "(…) the law does not correspond at all, or barely, to what the profession of designer is.". For this reason, it is essential that in Portugal there is an update of legislation. The design profession in Portugal has no regulation, as Antero Ferreira explains, since anyone can call themselves a designer even without any training or qualification, which makes the area very complicated for recent graduates.

Although Design is an activity with higher education in the country, it is not recognized with a professional status "due to the lack of information on standards of conduct among professionals, the lack of control over the status and a certain marginalization in the exercise of the profession." (Ferreira 2009, p. 27). The activity in Portugal is not regulated by written rules or practices accepted by all, adding that the various stakeholders seek to clarify the practices individually. The most urgent measures are the need to define a legal identity, specific levels of training to obtain a diploma, design certification criteria and a code of conduct in the professional circle (Gomes 2003).

Therefore, the delay in recognizing Design in Portugal has historical and social implications, which end up influencing culture and the business environment. According to the Portuguese Association of Designers, the national economy and Portuguese society are experiencing a phase of development where it is imperative to eliminate any obstacles that are obstructing their integration into public or private organizations in Portugal. As can be seen from the data analyzed in the first Chapter of the Introduction to the document in question, they reveal that there are more than 6 thousand registered citizens with activity in the area of Design and more than 37 thousand students attending courses in the area between 1995 and 2018. Few changes have been verified over more than 20 years.

5.2 Conduct of Professional Practice in Design

As design professionals, creatives deal with various stakeholders and for this reason there are certain Responsibilities and Rights that the professional must have. It was considered advantageous to analyze four codes of conduct, where it was possible to compile the various points by which design professionals (and members of each organization) should follow during practice. Based on the ico-D Code of Conduct, an AIGA publication in the Standards of Professional Practice, the ADP Code of Professional Conduct and the ICSID Code of Professional Ethics (now the WHO). After analyzing these codes, it was possible to carry out the following analysis of the interactions between the designer and the profession, designer, clients, society and environment.

First, all the documents analyzed had principles of integrity and respect by colleagues, clients, audience and the society. In terms of the Design in their profession, they should promote the dignity and integrity of the profession and advocate for good practices (quality, payment). In terms of other design professionals they should look for opportunities supporting open and fair competition and not denigrate a colleague's work or reputation for their own benefit.

Then, the principles that the designer should have in mind when dealing with clients include acting with the client's interests in mind, within the limits of a responsible professional and to not work on two projects for companies that have competition if there is any type of conflict of interest. During the work process, the designer must not disclose information without the client's consent.

In terms of the Code of Conduct for society, the designer should avoid accepting projects that could result in potential harm to the public. They must also consider the environmental, economic, social and cultural implications of their work and therefore must minimize the impacts. For the environment the professional must not be involved in Design practice where the project is imprudent for the health or safety of the community and when possible should choose products and services that minimize environmental impact.

5.3 Methodology

We have conducted a traditional literature review focusing on the main themes of this article: Design Responsibilities and Design Rights. Three data collecting moments were executed in order to understand the perception and experience of the students, professors and professionals about the topic in question. In regard to the Methodology, first an Online Questionnaire was conducted (129 participants) to collect general quantitative data, then a qualitative research with Individual Interviews (12 people interviewed) and lastly, another quantitative research with a Survey (19 answers) so that participants could validate all the data collected and potential solutions generated throughout the study (Fig. 1).

We gathered in an online questionnaire quantitative data which allowed us to collect information about the origin of the design problems at hand. We surveyed 136 designers, students, design professors and design professionals. We had a total of 129 valid responses, between the ages of 18 and 65 or more (Table 3). The age group of 18 and 24 were 51.9% of responses, followed by 24% between 25 and 35, from 36 to 45 with
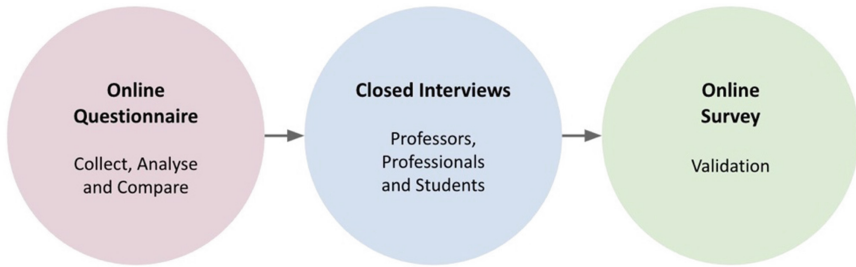
Fig. 1. Methodology Scheme

14.7%, between 46 and 55 were 7%, two responses (1.6%) from 56 to 64 and only one answer (0.8%) from a respondent over 65 years of age. Regarding gender, 88 responses were female and 41 male. In terms of district of residence, Lisbon was the district with the most responses with 101, followed by Setúbal with 7, Leiria with 11, Braga with 3, Santarém with 2 and then Aveiro, Coimbra, Évora, Castelo Branco, Faro with one answer each. The questionnaire was divided into three parts: Students, Teachers and Professionals, as they have different experiences and perspectives on the current situation. 77 responses were obtained from students (undergraduate, masters, doctorate and others), followed by 36 responses from professionals and 16 responses from professors. Each will respond both in terms of Responsibilities and Rights.

We also did qualitative research with 12 interviews with participants being between 21 and 52 years old, 7 female and 5 male. Half are students, 3 are teachers and the remaining 3 are professionals. Most reside in Lisbon and belong to the areas of Graphic Design, Product Design and Design Management. In terms of degree of studies, 4 have a PhD, 4 are from the 2nd year of the Masters, 3 are from the 3rd year of the Licentiate Degree and 1 are from the 1st year of the Masters. In relation to years of experience, most with less than 10 years, others with more than 20.

Table. 3. Online Questionnaire Demographics
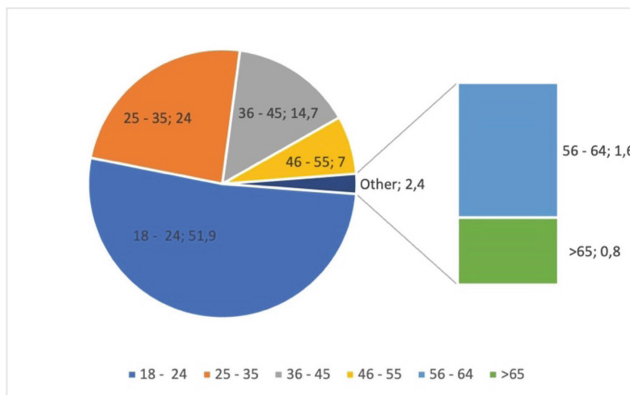
Between these moments, we had closed interviews with professors, professionals and students. In order to validate the previous results a survey was done as a way to solidify the conclusion. Thus, it was possible, in a third moment, to ask the questionnaire and interview participants to validate it with graphics and information. The questions were answered with a Likert Scale, from 0 to 5, with 0 being "Strongly Disagree" and 5 "Strongly Agree". 20 responses were received, of which 19 are valid. The survey consists of five questions, which will validate, help to conclude and understand the data collected during the investigation.

6   Conclusions

As noted, the area of Design and Design management are still not recognized for their true functions – or for lack of dissemination of information on the subject in Portugal. As for Design Education, it was discovered that students do not have the necessary tools to make them feel safe during their professional career (Table 4). Furthermore, teachers who have a medium-high level do not have the chance to teach the information that students need. Most also mention that they consider that the implementation of new methodologies (e.g. workshops) would be beneficial in higher education courses to fill gaps. Therefore, it can be concluded that the themes need to be more present in the study plans of educational organizations. As for teaching, it is not responding to knowledge gaps about the Responsibilities/Rights of designers during and after the courses.

**Table 4.** Student Question, Section 6 of the Questionnaire
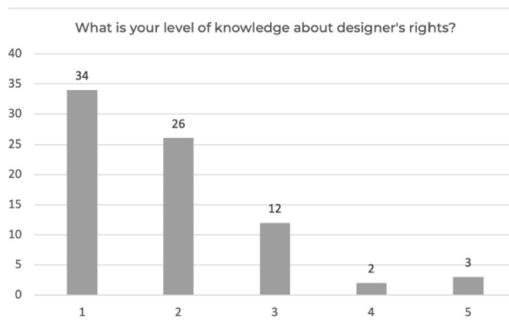
As for professionals, when asked about the legal part of protecting their work (intellectual property) and their protection as a professional (worker's rights) they say that they do not feel prepared and that they are more likely to hire someone to help them.

Regarding legislation and rights, they state that it is imperative to update the laws to include designers clearly. As for the Order of Designers, most agree and feel safer and more protected with the regulation of the community (Table 5). In terms of Responsibility and Conduct, it is necessary to reinforce how much Design can be used in a questionable and partial way. In relation to Rights, there are gaps in the legislation, placing designers

in an unrecognized position. There is no profession that meets the needs of users that does not have a code of conduct or order, as it is vital for the identity and organization of the group (Brandão 2005).

Table 5. Question 4, Survey
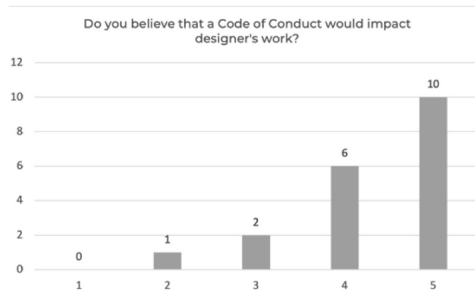
In Portugal, it is necessary that the Government sensitize the population, recognize Design as a specific area in the middle so that more jobs are created and invest in the training of young designers (Gomes 2003).

There is an opportunity and demand to choose an organization or order that is the official representation of the Portuguese government (93% of respondents in the questionnaire and 89% in the Survey). Furthermore, 96% in the questionnaire and 84% in the survey consider that the implementation of a code of conduct would help to structure the Design area. For this reason, if an official representation is formulated, it will be able to implement a code of conduct for official regulation, represent the various existing nuclei with a united front with the same objective, help new professionals and also represent Portuguese Design inside and outside the parents. Thus, it is concluded that there is a need to manage the Design area so that the profession can thrive, growing at a controlled pace and in order to be able to support designers during their academic and professional path.

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